

Cross-examination.

I reside in the town of London, in Canada. Have resided there since 1834; am a native of England; have resided in Canada since 1834; am 60 years of age, and Treasurer of the London District. I was attached to the naval brigade at Chippewa. I was acting as aide-de-camp to Capt. Drew. I was not in command of or attached to any vessel. It is probable I saw McLeod during the week previous to the burning of the Caroline; but when or where, or how often, I cannot say. I never spoke to him, nor did I hear him converse on the subject of the Caroline. I never spoke to him in my life, nor did he to me, on any subject. He never was in a boat with me at any time whatever. I do not know, nor have I understood from him, that he went round Navy Island at any time. The plan for destroying the Caroline first occurred to me on the afternoon of the 29th of December, 1837; when, in consequence of having been directed, either by Col. McNab or Capt. Drew, to observe her motions, I saw her go twice from Schlosser to Navy Island, and land men at the latter place. She then returned to Schlosser and left her steam. I reported this circumstance either to Col. McNab or Capt. Drew, or both, and suggested the expediency of cutting her out. I did not communicate any views on the subject to McLeod, or any other persons than those before named; nor could McLeod have known of it to the best of my knowledge. I first observed the Caroline during the afternoon of the 29th of December, 1837, coming down to Schlosser. McLeod did not communicate anything respecting her to me.

We commenced our preparations to attack her towards dusk, after she had let her steam off. I have no recollection of being in Davis's, or any other vessel at Chippewa the day after the burning of the Caroline, or at any other time during my stay at Chippewa. I did not see McLeod during the best of my recollection, on the Monday, or any other day after the burning of the Caroline. I cannot say how many persons were on the shore when the expedition embarked, but there were a great many. There were exactly 41 (forty-one) persons neither more nor less, who embarked in the expedition in the five boats that reached the Caroline. There may have been as many as twelve in the two boats that did not reach her. I knew a great many of those who embarked in the enterprise. Others I knew slightly, and some I did not know. There was 9 in the boat I was in. I took a very active part in getting fire to the Caroline, and was the last that left her. I cannot say exactly how many were in each boat. I saw all the persons who embarked, but cannot say that I saw all their faces or recognized the whole of them. I knew every one that was in the same boat with me particularly, and spoke to and recognized each one of them. Capt. Drew commanded the boat I was in, I returned in the same boat I embarked in, but all the nine persons did not return with me. Capt. Drew commanded one boat; Shepherd McCormick, Lieut. in the Royal Navy, another; Christopher Bier, another; Mr. Gordon, another; and the Hon. John Elmsley the fifth.

The two which did not reach the Caroline were commanded by Messrs. Hector and Patterson. The seven boats returned to Chippewa. There were not many seconds between each of the five boats reaching the Caroline. The boat in which I was arrived first. There was no man of the name of McLeod in the expedition. The boats did not all return at the same time, nor did they all disembark at the same time. Five only returned shortly after each other. I was in the last of the five. The crews of four other boats were on the beach when I landed, and they were immediately mustered and the names taken down. I did not stop to see the names taken down, but left a person in the act of doing it. There were none of the regular army, but several of the navy, among the persons who composed the expedition. The remainder were of the militia under Col. McNab. They volunteered upon being informed that their services were required for a secret expedition. The force was not displayed in any military order, either on its embarkation or disembarkation. Capt. Drew, I think, was the only person in uniform. The party were armed with sabres, pikes, cutlasses and pistols. Their dresses were their own. My impression is that some of the arms were procured from the provincial dragoons. On their return, they went to their respective quarters.

They disembarked about midnight. It was cloudy but not a dark night. I cannot positively say whether the moon was up or had set. They were at Chippewa the next morning at sunrise, with the rest of the force under Col. McNab, but not embodied as a distinct corps. I have not since seen them together, armed and equipped as they were that night. It must have been after 9 o'clock when the party embarked, as we were absent about two hours and some minutes. Of the assaulting party there were some wounded. I was not McCormick was severely, and another slightly. I think that was all. There were none killed. Resistance was made by those attached to the Caroline. Some of them had weapons. There were five arms. I saw a pistol in the hands of one person, who snatched it out of one of our men, but whether it went off or not I cannot say. Another had a gun or pistol, and fired from the bow of the vessel at us as we approached. The ball passed between Capt. Drew and myself. The person who fired called out, "Turn out boys, the enemy are coming"—"what boats are these?"—"give the countersign"—and then fired. I think I saw other weapons in the hands of the people on board the Caroline, but I cannot describe them. Besides, these five arms were discharged from a white house not far from the wharf, probably at the distance of 60 or 70 yards.

I cannot say whether they used any swords, pikes or other military weapons. I saw no cannon, fire arms or munitions of war or military stores on board, as I did not search for any, further than those I saw in the hands of those on board. The steamboat had no cannon mounted. I am not aware that any one was killed on board. There were one or two of them wounded. One of them had a sabre cut, who, I believe, was put on the wharf by some of our men. I did not kill or wound any one. I saw no one killed, or any wound inflicted. I did not discharge a gun or pistol, nor did I strike any one with my weapon. All on board the Caroline were driven ashore before she was cut loose, as Capt. Drew's orders were to drive them on shore and hurt as few as possible, and to cast her off from the wharf previous to setting fire to her, so as to prevent the possibility of any injury to private property on shore. I was not on shore at Schlosser, but think Mr. Elmsley and some of the men were on the wharf. I did not go into the warehouse, nor do I know that any of the attacking party did. I think I heard a steamboat to be down from Buffalo to Schlosser or Navy Island. I knew nothing of the Caroline till I saw her on the 29th of December, 1837, coming down the river near Buck-Horn Island. I do not remember who informed me that a steamboat was coming down; but I am certain it was not McLeod.

I never heard of Sylvanus J. Rigby before now, that I know of. He never did give me to understand, nor to my knowledge, any one or more of the attacking party, that the Caroline was unarmed. I never heard or knew that McLeod went to Buffalo in December, '37, to ascertain whether any steamboat was to be taken down from there to Navy Island or Schlosser. McLeod never spoke to me or to any other person in my presence or hearing, on the subject of the Caroline coming down. I do not know, nor have I understood from him, that he directly or indirectly advised the destruction of the Caroline, nor do I believe he ever did. I never heard McLeod say he was at the burning of the Caroline, or took any part in the expedition. I am not aware that any of the boats got aground on Buckhorn Island. There was no pilot employed. I knew a family near Chippewa of the name of Wiscom. There were none of them employed as pilots. Sir A. McNab's order was given to the expedition. It was verbal and private. It was given on the 29th Dec. 1837, at headquarters of the Chippewa. The final command was given on the beach, just before starting, in my presence, but not

in the hearing of any one else. I have before stated that I believed Lieut. Elmsley on the wharf at Schlosser, but how many, or whether ordered there, I cannot say.

Edward Zealand's (deposition.) I have known Alexander McLeod since 1833; knew his person in Dec. 1837, but did not know his name; I was one of the party that destroyed the Caroline; I was on Capt. Drew's boat; saw every one on board; McLeod was not on board. [The rest of the deposition coincides generally with that of Harris, some additional particulars however were sworn to; he says he saw the dead man on the dock; don't know where he was shot; thinks he received his wound from a gun fired from the tavern; several shots were fired at us from the tavern.]

The Court here adjourned till a quarter to 2 to-morrow morning.

Friday, Oct. 28, A.M.

Wm. S. Light's (deposition.) Was in Mr. Elmsley's boat; saw every person in the boat I was in; Alexander McLeod was not one of them, nor did I see him that evening; I am 22 years old; I raised the boat's crew that I went on with, for Mr. Elmsley, and consequently knew every man; I did not return in the same boat I went overin, nor did the others; the night was clear—can't tell whether there was a moon; resistance was made by the crew of the Caroline; they were armed with pistols and cutlasses; I saw a gun fired from the Caroline at us before we came up to her; I carried off a sword that I found lying on the deck; I was fired at from the shore while casting off the fast. [The rest of the deposition coincides with the other two, as to the expedition, attack, return, &c.]

Robert Amour's (deposition.) I am 21 years old; first knew Alexander McLeod the first of Dec. 1837; I went in Mr. Elmsley's boat; Alexander McLeod was not in that boat; 7 boats started; 5 crossed the river; 3 attacked the Caroline, and two lay off in the stream. [The rest similar to the others.]

John Gordon's (deposition.) Know Alexander McLeod; I commanded one of the boats that went on the expedition to burn the Caroline; Alexander McLeod was not in my boat; I saw every man that went in my boat; I first knew of the plan of destroying the Caroline about two hours before the expedition started; I did not know every man in my boat, nor did I observe particularly the faces of each; know of no person of the name of McLeod in the expedition. [The rest not material.]

Christopher Bier's (deposition.) Was commander of one of the boats that destroyed the Caroline; Alexander McLeod was not in it; did not see him at all that evening; was himself on board the Caroline at Schlosser throughout the time the British had possession of her, and was active in destroying her; saw him at Chippewa a day or two before; never had any conversation with McLeod on the subject; there were seven boats; five boats with forty-five men reached the Caroline; his own men and eight others returned with him; the watch on the Caroline demanded the countersign and then fired; believes other shots were fired from the Caroline, as several of the assailants were wounded; did not himself wound or fire at any one; saw one man lying dead on the dock; the British did not go on shore except to cast off the boat; none of them into the warehouse; heard three rifles fired from the tavern at the assailants.

Hamilton R. O'Reilly's (deposition.) Was one of the assistants of the militia on Capt. Bier's boat; has known McLeod nine years; [Mr. Hall called attention to the fact that this witness had been allowed to read the depositions of the other Canada witnesses before giving his own testimony; he did not ask its exclusion; he wished the circumstance to have its proper weight;] witness knows that Alex. McLeod was not in the boat with him; does not know where he was when the expedition started; but did not see him either on the Caroline or going or returning; did not know what was the object of the expedition until after it was started, and was then told that the Caroline would probably be found at Navy Island; knows two and believes a third of the assaulting party were wounded; when the boats came near the Caroline, the watch challenged twice or thrice, and said, "Give the countersign, or I'll fire;" believes he did fire accordingly; will not say that more than one shot was fired from the Caroline; never heard from McLeod or from any one that he (McLeod) had any thing to do with the destruction of the Caroline.

Shepherd McCormick's (deposition.) Saw McLeod for the first time on the night (25th) before the destruction of the Caroline; witness was the second man who boarded the Caroline; was wounded; did not see McLeod at all that night, and am positive he was not of the party; McLeod never spoke to him about cutting out the Caroline either before or afterward; was brought back disabled, (having been wounded just after boarding the Caroline), and recollects nothing about the return, disembarking, or what took place afterward, as he was carried up to a house nearly insensible, and did not leave his bed for three months; the steamboat was defended by those on board her with swords and fire-arms; several shots were fired by them; witness was desperately wounded, and believes he killed his assailant (with a sword-cut); immediately did not go ashore, nor did any of his party.

Frederick Cleerly's (deposition.) Resides in London, U. C.; knows McLeod; first saw him on the night of the 29th Dec. 1837; knows that McLeod went round Navy Island on the morning of the 29th; has never seen him since; was himself one of the expedition, in Capt. Bier's boat; was all over the Caroline; saw nothing of McLeod there; saw the men land from all the boats that reached the Caroline; McLeod was not among them; saw all the persons embark on the expedition; McLeod was not one of them; knew none of them; went directly from the boats to procure a surgeon for Lieut. McCormick; testifies the same as other witnesses about the expedition generally; the crew of the Caroline fired upon the assaulting party; did not see any swords or pikes used by them; saw one of them wounded; Lieut. Elmsley was sent ashore with a party to cut loose the Caroline; never conversed with McLeod about this affair.

Thomas Hector's (deposition.) [Objected by the prosecution that his direct testimony is not signed and certified, though his cross-examination is; whereupon they ask the rejection of the former;] Objection overruled by the Court. Commanded one of the boats that started to destroy the Caroline; was on the boat some time before the expedition started; talked with most of those who were there; did not see McLeod there; his towers were unable to stem the current of the Niagara, and he was obliged to return for others; then proceeded to within two hundred yards of Schlosser, when the Caroline burst into a blaze; went near enough to see the men on the wharf, then returned to Canada; nine boats were prepared for the expedition, but seven only started to cross the Niagara; his was one of the two which did not reach the Caroline; never spoke to McLeod about cutting out the Caroline; was first apprised by Capt. Drew at 2 P.M. on the 29th to hold himself in readiness for service at that evening, but nothing said as to what the service was; was ready accordingly; knew and spoke to every man in his boat, and knows that McLeod was not among them; can say nothing positive as to the persons in the other boats; heard fire-arms discharged, and saw flashes on the wharf; was near enough to the steamboat when burning to be confident that no persons were on board of her; several of the assailants were wounded; did not fire and was not fired upon during the expedition.

John C. Patterson's (deposition.) Commanded the seventh and last of the boats that started to destroy the Caroline; know every man in my boat; do not know McLeod, and never met him to my knowledge; he was not in the boat commanded by me; that boat did not reach the Caroline, my rowers being unskillful, lost sight of the leading boats, and knew not which way to go; returned without finding the other boats; did not know where they were going until they were

leaving the beach, when Captain Drew called him aside and told him that their object was a steamboat; never saw the Caroline until I saw her in flames, when I had reached Buckhorn Island; grounded there to rest the crew; knows of no man named McLeod being engaged in the expedition; returned at the same time with Captain Hector's boat. [Testified the same as other witnesses for the defence with respect to the getting up and starting of the expedition.]

Neil McGregor's (deposition.) Is and has been a clerk of MacKlin in Chippewa; knows McLeod by sight since 1836; went on the expedition against the Caroline; was in a house the evening before preparing for some secret expedition; Colonel McNab came in and said, "if you miss your aim, the Falls will make a fine winding sheet" for some of the party refused to go, as they were not informed what was the object of the expedition; other volunteers took their place; cannot say whether McLeod was on the beach or not, as the night was dark; went in Captain Patterson's boat; was not told where they were going till near Navy Island; McLeod was not in this boat.

[Cross-examination waived. This completes the depositions of persons who were engaged in the expedition. The Court (1 o'clock, P.M.) took a recess.]

2 o'clock, P.M.

Testimony for the Defence continued.

William Press's (sworn.) Resides at Hamilton, Canada; is a tavern keeper; kept tavern in Niagara (not the Falls) from 1835 to 1841; know Alex. McLeod well through 1837-8; was at Chippewa once in Dec. 1837, namely on the 29th; returned to Niagara that evening; went to Chippewa to take up two passengers in a wagon; knows it was the 29th by a memorandum made that day in his books; [objected by the prosecution—the witness ought to have brought the book in which the entry was made for examination; objection overruled by the Court;] it is an entry of the receipt of money while at Chippewa; he is sure that it was the day preceding the night on which the Caroline was destroyed; left Chippewa that evening a little after dark; took his horse from a yard opposite Orris's tavern; Mr. O'Keefe, whom I took up, rode back to Niagara with me; Alex. McLeod, the prisoner at the bar, rode down with me to Stamford, about six miles; the road was very bad down to the Falls; it was better below; I was about an hour and a half driving to Stamford; I left McLeod at the gate of Mr. Morrison, (a witness now in court) I did not go in; knows Raincock, (mentioned before) Raincock left that section before the troubles on the border, and has not been seen there since; received a letter from him in New York; have heard of him since in England, on a railroad.

Cross-examined by the Attorney-General.

He drove a covered wagon; it is eighteen miles from Chippewa to Niagara; witness conveys passengers frequently; always makes an entry in his books; is not so careful about his bar receipts; was in partnership at the time; always makes the entries of the day of the transaction; reached home that night after 10 o'clock; it must have been as late as 10; was not on guard that night; has not said he must have been at home that night by 9 as he was to be on guard; was drawn on guard that night, but did not serve; it is dark between 5 and 6 o'clock at Chippewa at that season; thinks it was not before sundown when he left Chippewa; thinks it was getting dark, but cannot exactly fix the time; don't recollect what hour he left home that day; dined at Chippewa; can't say at what hour; thinks about 2 o'clock; had no business at Chippewa to detain him—except to take Mr. McLeod, who met him that day, and asked him if he would carry him down; can't say at what hour or where he met Mr. McLeod that day; believes it was about Davis's tavern; had to wait two hours or more before McLeod was ready; he got in at Davis's; he (Mc) had no horse with him; witness was not at Navy Island but that time during the occupation of Navy Island; is positive that day he took McLeod was that preceding the destruction of the Caroline; never stated that he could not be certain it was that night; don't remember saying so before Sheriff Stone of Niagara; never was at Lockport at all, or saw McLeod in Niagara Co. N. Y.; set down McLeod at Stamford, and drove directly on; witness has said, My testimony cannot be of much importance to McLeod, as he had time to go back and forward to Chippewa after I left him; before the expedition started; might have said time to go twice, does not recollect.

John W. Morrison's (sworn.) Resides at Stamford, U. C. since 1835; knows Alex. McLeod perfectly; has known him since 1836; heard of the destruction of the steamboat Caroline on the morning of Dec. 30th, 1837, about 8 A. M.; received a message from his son Archibald that Col. Cameron wished to see him at the gate; I went down, and saw Col. C.; he asked me if I had heard the news; I asked him what news? he told me that a party had the night before cut out the Caroline at Schlosser, and sent her over the Falls; I said—"McLeod is in our house; won't you come up and see him?" he begged to be excused, as he was in a great hurry; he was traveling in a wagon; he handed me a piece of wood, saying it was a part of the Caroline, from which I cut a portion to keep and returned the rest; he said it was good-bye and went away; I had served under Col. Cameron for fourteen years in Spain, Portugal and France, under the Duke Duke of Wellington.

McLeod was at this time in my cottage; he came there a little past 7 the evening before; certainly before 8 o'clock; he slept in our parlor; he drank tea there the 29th; took breakfast there the morning of the 30th; McLeod and I went to bed about half past 12 o'clock; he and I had a tumbler of toddy together about half past 9 o'clock; McLeod had not left his room in the morning before I saw Col. Cameron; went directly up to the cottage, and saw McLeod standing at the threshold of the door, half dressed; I told him a party had cut out the Caroline last night and sent her over the Falls; he said "You don't say so!" I said "It is so;" McLeod said, "I wish to God I had been there!" Captain, where is Archy? I wish you would tell him to get my horse ready?" He went and got the horse; McLeod was pressed to stay to breakfast, and did; he then went down to the gate, where his horse was, and rode off toward Chippewa. I did not see him again, I think, until the afternoon of the 2d of January.

Cross-examined by Mr. Hatley.

Witness is a native of Ayrshire, North Britain; is 52 years of age; was an officer; was never drafted; entered the army as ensign in the Cameronian Highlanders in 1817; remained till 1821; retired upon full pay, which he still retains; is of no party whatever, supports the Government, whatever it is; has resided where he now does since 1836; was always on friendly terms with McLeod, but never very intimate; McLeod often ate at our house, but seldom slept there; was in the house when McLeod came there that time; probably left him in himself; McLeod seemed tired; pressed him to stay all night as the roads were muddy; he said he was going to Niagara on business; he finally consented to stay; took tea, and staid; [witness here gave the names and ages of all his children; his oldest daughter Ellen was 20 at the time; his second, Harriet, two years younger; is not certain that Ellen was at home; the rest of his children were; McLeod kept a spare horse there at the time; does not know that McLeod rode there on horseback, but supposed he rode somehow; don't remember any talking about the steamboat Caroline that night, but probably did; had heard of her coming down to help the Navy Islanders, and thought of it; it was near 10 o'clock of the morning of the 30th when McLeod left.]

To Mr. Hall—Witness has never told any one that McLeod staid at his house, but he could not say whether on the 29th or some other night; never said this to Mr. Deffield; Deffield has probably been at his house twice, not more; never said in presence of Mr. D. that he hoped the United States would get hold of McLeod, and punish him for this business; was very friendly with McLeod at the time, but subsequently a domestic difficulty arose, which estranged them; thinks

McLeod staid all night also on the 2d January following, but cannot say positively at what time, or whence he came on this occasion; was summoned in relation to McLeod in November last; the paper shown him is a copy of his examination; McLeod never staid at my house after the 2d of January, 1838; that I remember, though he called several times; don't remember his staying at any other than those three times.

Archibald Morrison's (sworn.)—Knows Alex. McLeod; has seen Colonel Duncan Cameron several times; heard about the destruction of the Caroline from him; he came to the gate in the morning about 8 o'clock, told him to come up and tell his father to come down; did so; his father and witness went down; heard Colonel Cameron say that the Caroline had been sent over the Falls; McLeod was in the parlor at the time; came there the night before; I think before tea; went away on horseback in the morning about 8 o'clock, after breakfast; went up toward the Falls.

Cross-examined by the Attorney-General.

I 15 years old next month; is confident that McLeod was there that night; knew him well; did not stay there after he came on horseback; recollects distinctly putting out his horse, and bringing him again in the morning; don't know Colonel Cameron well; don't know when he saw him before or after that morning, but pretty sure he knew him; didn't know his companion; knows the time by his being the morning after the burning of the Caroline; was examined once before in this matter; the paper shown him is a copy of his testimony, and the signature his.

Direct resumed by Mr. Spencer.—Knows that Colonel Cameron showed a piece of the Caroline that morning, and his father saved off a piece of it; it was carried up to the house, and McLeod and the whole family saw it; is sure that McLeod had a horse there that night, and believes he came on horseback; frequently put out his horse before and afterward; cannot be mistaken about the fact that Mr. McLeod was there the morning Col. Cameron called with the news.

Cross-examination resumed.—Thinks McLeod was there again New Year's day, but is not sure that he staid all night.

Mrs. Margaret Morrison's (sworn.) Is the wife of Lieut. Morrison; knows McLeod these six years; heard of the destruction of the Caroline in the morning; that it had been destroyed the night before the news was brought by Col. Cameron; saw a small piece of the boat brought by him; McLeod was then in our parlor; he came there that night before 7 o'clock; took tea there that night; Mr. Morrison would not allow him to go away; Mr. Morrison and Mr. McLeod sat up till past twelve o'clock; witness sat up also; McLeod slept in the parlor on a stretcher, (cot); there was no bed in the parlor except temporarily for a stranger; McLeod's boots were taken from the parlor and put by the kitchen fire; they were there next morning; McLeod could not have left the house that night; witness slept in a bedroom opening into the kitchen and open; witness saw McLeod after 12 o'clock; the girls retired about 10 o'clock; witness saw McLeod again about 8 o'clock in the morning; he was in the parlor when Col. Cameron came along; Mr. Morrison came up and told McLeod, who said he wished he had been there; has forgotten without Mr. McLeod went away; can't be mistaken as to the night he was there; saw him next in the afternoon call, and go on to Niagara; he had a cannon ball with him, which he said was fired at him from Navy Island.

Cross-examined by Mr. Jenkins.

Don't know whether McLeod came on horseback on that occasion or not; did hear that he came on horseback, and so testified when examined before Judge Barden; knows that Mr. Cameron was there only from hearsay; don't know him personally; McLeod had been there next before on Christmas night; thinks he had staid there once before that, but can't say when; believes it was when there were races at Malden; McLeod staid there again on the 24 of January; knows it because her son came home on the 1st of January and slept that night in the parlor; on next night McLeod was there, and her son had to be moved up stairs, so that McLeod could sleep in the parlor; a daughter of Mr. Morrison lived a while with Mr. McLeod; went there some two years ago. The piece of the Caroline, I think, was burned by Mr. Morrison awhile afterward. McLeod left the house about half past nine o'clock the morning after the Caroline was destroyed.

To Mr. Hall—Witness is the second wife of Lieut. Morrison; was married about thirteen years ago; does not recollect McLeod's staying at their house but four times; viz. the night of the Races, of the 25th of December, the 29th, and the 2d of January.

To Mr. Spencer—Can't be mistaken that McLeod staid there on the night of the 29th, when the Caroline was destroyed; that subject was discussed at the breakfast table in the morning. The daughter (Ellen) of Lieut. Morrison who has lived with McLeod has never been at home but once since until a short time since; McLeod has been estranged from the family ever since she went there.

Harriet Morrison's (sworn.)—Is the daughter of Lieut. Morrison; heard of the destruction of the Caroline the morning after it happened; heard her father telling McLeod in the parlor, understood that his friend Col. Cameron brought the news; saw McLeod at tea the night before; spent the evening in the room with him till 10 o'clock; saw him again at breakfast; left between nine and ten o'clock to go to Chippewa.

Cross-examined by Mr. Jenkins.

Usually go to bed about 9 or 10; they sat up later that night on account of Mr. McLeod being there; they all partook of the excitement of the times; heard about the Caroline coming down to help the Navy Islanders; understood she was carrying ammunition, &c.; thinks she had heard of it two or three days before; thinks she saw Col. Cameron that morning from her mother's bed room window; recollects McLeod's coming along the next day with a cannon ball in his hand; remembers his coming there again the day after New Year's; believes it was the same day her brother came home; knows they were there at the same time.

Direct resumed by Mr. Spencer.—I am quite sure she had heard of the Caroline being engaged in carrying powder and arms to Navy Island before her destruction; had heard nothing particularly of a cannon; don't know from whom she heard that the Caroline had thus been employed.

Col. Duncan Cameron's (deposition.) [The Attorney-General objected to this deposition, as taken contrary to law. Mr. Spencer replied with great warmth and force. Mr. Hall responded in a similar spirit. The objection was then waived by him.] Has been slightly acquainted with McLeod since 1835; witness was at Chippewa during the night of the 29th Dec. 1837; went there that morning; left the next morning, and called at Lieut. Morrison's in Stamford on his way, saw Lieut. M. and talked with him; don't know what subject.

John McLean's (sworn.) Saw Mr. McLeod in Buffalo shortly before the destruction of the Caroline; it was a time of great excitement in Buffalo; McLeod got in a controversy with the Patriots there; McLeod had to escape out of the back part of the house; witness aided him to do so, and marked him distinctly. Left Buffalo the evening before the Caroline was burned; rode down to Chippewa; reached there by 9 o'clock that evening; inquired for McLeod there, and could not find him; inquired for him there the next morning, and could not find him; got into a wagon with Dr. Foot and rode down to the Falls; near the Falls, McLeod passed them going up to Chippewa.

Cross-examined by Mr. Hall.

Was charged with a duty by the U.S. Marshal; had a confidential interview of an hour with Col. McNab immediately on reaching Chippewa; then went to supper at his quarters; staid there an hour and a half; Colonel McNab staid but a few minutes and went out, saying he had business which would keep him out all night; witness then went to quarters assigned him, where Dr. Foote and he slept one bed; heard of the destruction of the Caroline directly; a man came in and said the

Caroline was in flames going over the Falls; did not get up; saw Colonel McNab next morning at his quarters; [was not allowed to state his conversation with Colonel McNab;] saw McLeod very near the Pavilion at the Falls; it was very near 10 o'clock; did not speak to McLeod when he met him at the Falls; said to Dr. Foote, "there goes McLeod now!" Witness never returned to Chippewa; sent the wagon back to Waterloo by Luke Walker, a boy taken prisoner in the Caroline; crossed at the Ferry, below the Falls; and went directly up to Buffalo.

Jasper P. Gilkinson's (sworn.)—Has resided in Niagara since 1836; knows that Raincock left that country before the troubles; in September or October, witness was a volunteer at Chippewa on the 29th; lodged that night at a tavern half a mile below Stamford; returned to Chippewa near 10 o'clock next morning; McLeod overtook me and a Mr. Speck as we were going up to Chippewa in company; we rode directly by Chippewa up opposite Navy Island; some guns were brought to bear upon us from the island and fired; we went up to upon us from the island and returned; we went back to the island to be exposed to shot; a common shot from the island struck and buried in the bank near them; a soldier picked it up and gave it to me; Mr. McLeod, who carried it away; they went up a mile above Chippewa.

Cross-examined by Mr. Hall.

It was between 10 and 11 o'clock when they passed Chippewa going up; they were near an hour riding up and down by Navy Island. [No hearing material was elicited by the cross-examination. At its close, the Court adjourned at half-past 2 o'clock.]

From The Extra Sun.

Fifth Day, Saturday, Oct. 2.

The Court met at 8 o'clock, and Mr. Spencer, in continuation of the testimony for the prisoner, stated to the court that he would now offer, if he had not done so before, parole evidence in addition to the documentary, parole evidence to show the state of affairs on the border about the time of the event upon which this prosecution was founded. He then called to the stand

Jared Stocking, who deposed, I am brother to Samuel Stocking, of this city. I reside at Niagara, U. C. In December, 1837, I was stationed at Chippewa, and commanded a regiment of dragoons. I was there on the 29th of that month. I know the witness Press. He resided opposite to me, I saw him at Chippewa the 29th Dec. 1837. He dined with me that day, and I spent the afternoon with him. It was his first appearance at Chippewa. I knew Mr. Reyncock. He was my neighbor. He was a custom house officer, and I often entered goods at his office. I am a creditor of his, and know that he left Canada before the breaking out of the troubles. I think it was in the summer.

Cross-examined.—I believe there were about 5,000 soldiers at Chippewa in December, '37—in which month the insurgents took possession of Navy Island. I think they evacuated in January, about three weeks after the burning of the Caroline. After the evacuation I went to the island out of curiosity. A few military went over—how many I don't know—to cut down timber, so that in case the insurgents returned there they could be seen. I was not in the expedition against the Caroline, and knew nothing of it till she was floating down the river on fire, at which time I was in bed. I think it was about 2 o'clock A. M. I saw the Caroline making a trip between the island and Schlosser the previous afternoon. After the destruction of the Caroline another was afterwards running there—but the only boat I ever saw there was the Caroline. I am positive it was the afternoon preceding the destruction of the Caroline that I was with Mr. Press, and walked up with him to look at Navy Island. They were at that time building a battery on the island. I am sure this was not on the day of the evacuation of the island. I was not with Mr. P. when he left Schlosser that afternoon, nor did I see him go.

Some time that day I saw the prisoner McLeod—can't tell the hour. The batteries they were erecting on the island was toward the upper end of the island, near head quarters. It was of large oak timber that had been brought in a ship from England. The Caroline was a small boat—I think larger than was necessary for a ferry boat. Cannot describe her size well.

The battery they were erecting was 18 or 20 feet long. It was not completed, nor was any thing mounted upon it. There was another battery some rods below it, on which a gun was mounted. When I visited the island I found there had been three batteries and a block-house there, but they had been destroyed. There were no batteries on the Canada shore except those before mentioned. [The witness here explained to the court and counsel that the batteries and remains of batteries he had been speaking of were on the Canada shore opposite Navy Island, and not on the island, as the court, counsel, and reporters had understood him to say.] I saw nothing on the island that looked like batteries or the remains of batteries. I saw McLeod on the 29th near Davis's tavern, walking in the streets. Altho' I have taken no part in the Canadian troubles, as a commander of dragoons I did my duty. [The witness now says that he did see the remains of a battery on the island, toward the Canada shore, the position of which showed that somebody had been there who well understood engineering.] I cannot say whether the batteries were standing the afternoon I took the walk with Mr. Press. The upper one was.

To Mr. Spencer—Col. McNab's quarters were not 8 or 10 rods from Davis's tavern, opposite, in the same square.

On the evening of the 29th Col. McNab sent me for arms, and I furnished them. The corps I commanded had been organized 8 or 10 years.

Mr. Spencer here arose and said, that the court having excluded the testimony first proposed on the opening of the defence—that of a national character—and thereby confined the defence to testimony bearing upon the other branch of the defence—to wit, the absence of McLeod from participation in the destruction of the Caroline, the counsel for the defence had now brought before the Court and jury all the evidence they had to offer in that behalf, and now closed their testimony and rested.

Prosecution Resumed.

Mr. Hall here offered in testimony the enrollment and license under which the Caroline ran, both dated 1st Dec. 1837. He then offered to read the statement made by the prisoner, formally, before Justice Bell, signed by him, in the presence of his counsel Mr. Brady, fully authenticated by the Justice. No objections being made, the statement was read. It was in substance that he went with Capt. Graham round Navy Island, to look out for the Caroline, on the afternoon of the 29th Dec. 1837. Then returned to Davis's tavern west to bed and remained there till 7 or 8 o'clock in the evening, and about 8 o'clock left on horseback for Niagara.

That he rode to Capt. Morrison's that evening, stopped there that night, going to bed about 11 o'clock, and remained there till after breakfast next morning. Before he left, Capt. Morrison came to him in the house, and informed him that Col. Cameron had called and told him that they had destroyed a steamboat the previous night. At the Pavilion Hotel he overtook a person whom he named, who informed him of the particulars of the destruction of the steamboat Caroline. He then rode on to Chippewa, arriving there between 9 and 10 A. M.

Mr. Hall then read the testimony of Capt. Morrison, and his son Archibald, taken by Justice Bell, in behalf of McLeod, dated 14th Nov. 1840, at Lewiston.

Mr. H. then read the testimony taken before Justice Bowen, of Niagara county, regularly authenticated. The dates of these documents were the 17th and 24th Dec. 1840. The first document was the examination of the prisoner, stating that on the evening preceding the Christmas before the burning of the Caroline, he was at Buffalo, and he learned that the Caroline was fitting out to run to Chippewa. The next day he returned to Chippewa, and on arriving at the Pavilion Hotel at Niagara Falls, he was there told the same thing.

On arriving at Chippewa he informed Col. McNab of what he had heard. On the 29th of Dec. he and Capt. Graham, in a boat with 8 soldiers went round Navy Island, to see if they could find anything of the Caroline. They did not discover her, but in the afternoon he saw her running between Schlosser and Navy Island. Being somewhat unwell he went to bed, got up about 7 o'clock in the evening, and rode to Capt. Morrison's where he spent the night. The next morning he was informed that the Caroline was burned the preceding night. He slept alone at Morrison's. He had never told any person he was at the burning of the Caroline, nor did he ever exhibit to a person a pistol with blood on it.

The next document was the testimony of Mr. Morrison, similar in substance to the evidence given last evening; and in addition, that he and Helen had lived with McLeod, but was married to him. She was however married to another man.

The next document was the evidence of Mr. Morrison, who testified that McLeod was a father's house on the night the Caroline was burned, and she heard her father tell him next morning of the burning of the Caroline. He was told in the parlor before he was